

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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THOMAS J. MASSONE,

Plaintiff,

-v-

DONALD W. WASHINGTON and CENTERRA  
GROUP, LLC,

Defendants.

20-cv-7906 (LJL)

ORDER


LEWIS J. LIMAN, United States District Judge:

Proposed intervenor Towaki Komatsu moves to intervene in this lawsuit in which Plaintiff initially alleged that the United States Marshals Service failed to provide a safe working environment to Court Security Officers (“CSOs”) to protect them from COVID-19. Dkt. No. 53. The Court dismissed Plaintiff’s amended complaint on August 30, 2021, with leave to replead, Dkt. No. 40, and Plaintiff filed a second amended complaint, Dkt. No. 45, as to which new motions to dismiss are currently pending, Dkt. Nos. 48, 51. Komatsu argues that he has been stalked by CSOs inside the United States courthouse, increasing the risk that he will catch COVID-19 and that such risk gives him a legal interest permitting him to intervene.

As relevant here, Federal Rule of Civil Procedure 24 provides for intervention as of right to anyone who “claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposition of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest,” and permits permissive intervention to “anyone who . . . (B) has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(a), 24(b). Komatsu fails to properly invoke either mandatory or permissive intervention. His motion is denied.

SO ORDERED.

Dated: November 9, 2021  
New York, New York

  
LEWIS J. LIMAN  
United States District Judge